

CHAPTER 5 - ADULT CUSTODY AND SECURITY OPERATIONS

ARTICLE 44 – PRISON RAPE ELIMINATION POLICY

Effective January 19, 2006

[Sections 54040.1 through 54040.4 are unchanged]

54040.5 Detection

Revised September 6, 2013

CDCR staff have a responsibility to protect the offenders in their custody. Every employee is responsible for reporting immediately and confidentially to the appropriate supervisor any information that indicates an offender is being, or has been, sexually assaulted. In addition to this reporting, staff have a responsibility to assist the offender and refer him/her to medical/mental health for evaluation. Staff shall ensure the reporting of information is done in a confidential manner.

An offender may report sexual misconduct that occurs under the jurisdiction of the CDCR, to any employee. If the employee who receives the report is a non-custody employee, he/she shall immediately notify his/her supervisor and, if in an institution, report the information to the Watch Commander.

Employees are reminded that victims of sexual assault/rape may be seriously traumatized both physically and/or mentally. Staff are expected to be sensitive to the offender during their interactions with him/her.

Screening for Appropriate Placement

The process of review and evaluation for single cell status shall be initiated during RC processing as part of initial screening. This process will include completion of the Strategic Offender Management System (SOMS) Initial Housing Review which includes questions related to sexual assault and victimization. Upon the offender's arrival at his/her assigned institution, this information will again be assessed and updated as necessary.

The offender shall be referred to a classification committee for determination of single cell status in accordance with CCR Section 3377.1(c), based on documented evidence that the offender may not be safely housed in a double cell or dormitory situation. An offender's need for single cell status shall be reviewed as part of initial/annual classification, or any time an offender is referred for transfer or placement consideration.

Based on information that the offender has been a victim of sexual assault, the custody supervisor conducting the initial screening shall discuss housing alternatives with the offender in a private location. The custody supervisor shall not automatically place the offender into administrative segregation. Consideration shall be given to housing this offender with another offender who has compatible housing needs. If single cell status is appropriate, the custody supervisor may designate the offender for single cell housing pending a classification review.

Per the Department's Mental Health Services Delivery System (MHSDS), all offenders shall receive a mental health screening within the first seven days of their arrival at an institution.

Any staff member with significant concern that an offender may be subject to sexual victimization shall immediately notify a custody supervisor who will refer that offender for a mental health evaluation. This referral will be completed using the Staff Referral for Mental Health Services form, and should include enough information to allow the medical/mental health staff who is screening the referral to determine if the need is urgent (as soon as possible within 4 hours), emergent (within 24 hours), or routine.

[Sections 54040.5.1 through 54040.17 are unchanged]